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U.S. Department  
Of Transportation

**Federal Aviation  
Administration**

**Northwest Mountain Region**  
Colorado, Idaho, Montana  
Oregon, Utah, Washington  
Wyoming

1601 Lind Avenue, SW  
Renton, WA 98055-4099  
Tel: (425) 227-2007  
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August 23, 2002

VIA FACSIMILE AND CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Hearing Docket  
Federal Aviation Administration  
800 Independence Avenue S.W.  
Room 924A  
Washington, D.C. 20591

FAA - 2002-13174-1/CPO2NM0014

Re: In the Matter of United Airlines, Inc., Case No. 2002NM030067


Enclosed herewith please find a copy of a request for hearing and the original and three copies of the Complaint in the above-referenced proceeding.

The FAA requests that the hearing in this matter be held in Denver, Colorado, and expects that the hearing will last one day.

Please address all communications for the FAA to the undersigned at:

Federal Aviation Administration  
Northwest Mountain Region, ANM-7  
1601 Lind Avenue S.W.  
Renton, Washington 98055-4099  
Telephone: (425) 227-1417  
FAX: (425) 227-1007

Sincerely,  
GEORGE L. THOMPSON  
Regional Counsel

  
SCOTT R. MORRIS  
Attorney

Enclosures:  
Request for Hearing, Complaint

2002 SEP -5 A 7 49  
OFFICE OF CHIEF COUNSEL  
HEARING DOCKET

DEPT. OF TRANSPORTATION  
02 SEP 12 PM 3:40



Vania Montero Wit  
Senior Counsel

Direct Line: (847) 700-1084  
Fax: (847) 700-4683  
E-mail: [vania.m.wit@ual.com](mailto:vania.m.wit@ual.com)

**BY FEDERAL EXPRESS DAY**

August 20, 2002

AUG 22 2002  
REGIONAL COUNSEL

Hearing Docket Clerk  
FAA Hearing Docket  
Federal Aviation Administration  
800 Independence Ave., S.W., Room 924 A  
Washington, D.C., 20591

Re: FAA Case No. 2002NM030067

Attention Hearing Docket Clerk:

United hereby submits a request for a formal hearing in the above-captioned case. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Vania Montero Wit", with a large, stylized loop at the end.

Vania Montero Wit  
Senior Counsel  
United Airlines, WHQLD  
P.O. Box 66100  
Chicago, IL 60666

cc: Scott R. Morris, Esq.  
Federal Aviation Administration - Northwest Mountain Region  
1601 Lind Avenue, SW  
Renton, WA 98055-4099

**UNITED STATES DEPARTMENT OF TRANSPORTATION  
OFFICE OF HEARINGS  
WASHINGTON, D.C.**

\_\_\_\_\_  
In the Matter of: )

UNITED AIRLINES, INC. )  
\_\_\_\_\_) )

FAA DOCKET CP  
FAA Case No. 2002NM030067

JUDGE NOT ASSIGNED

**COMPLAINT**

The Federal Aviation Administration (FAA), by counsel, hereby files its Complaint, pursuant to Rule 208 of the Rules of Practice (14 C.F.R. 13.208), and states as follows:

I.

1. On August 8, 2002, United Airlines, Inc. (hereinafter United), was advised through a Final Notice of Proposed Civil Penalty that the FAA proposed to assess a civil penalty in the amount of \$11,000. On August 20, 2002, United, through their counsel, submitted a written request for a hearing.

II.

1. United is now, and at all times mentioned herein was, the holder of Air Carrier Operating Certificate No. UALA011A.

2. Section D072 of United's operations specifications requires compliance with United's continuous airworthiness maintenance program (CAMP), which includes applicable provisions of the Airbus 320-232 maintenance manual.

3. Section D085 of United's operations specifications permits United to operate a U.S. registered Airbus 320-232, tail number N472UA while conducting operations under Part 121 of the Federal Aviation Regulations.

4. On or about January 20, 2002, the Federal Aviation Administration (FAA) received a report that N472UA had two overhead blowout panels in the aft compartment damaged.

5. Between January 20, 2002, and January 28, 2002, there were no records of damaged panels in the aircraft logbook or company maintenance compute, nor were their minimum equipment list deferrals on the aft cargo compartment.

6. On January 28, 2002, a FAA inspector examined N472UA at the Chicago International Airport. This aircraft had just flown from Palm Beach International, Florida, to Chicago, Illinois. During the inspection, the inspector found two overhead panels in the aft cargo compartment damaged.

7. The damage to the aft cargo compartment panels caused the aircraft not to meet Type Certificate Design and rendered the aircraft unairworthy.

8. Between on or about January 20, 2002 and January 28, 2002, United aircraft N472UA conducted one or more flights while in an unairworthy condition.

### III.

1. By reason of the foregoing facts and circumstances, United violated Section 121.153(a)(2) of the Federal Aviation Regulations (14 CFR) in that it, on one or more


occasions, between January 20, 2002 and January 28, 2002, operated an aircraft in an unairworthy condition.

2. In accordance with Section 46301(a) and (d) of Title 49 of the United States Code (Transportation) [49 U.S.C. § 46301(a) and (d)], United is liable for a civil penalty not to exceed \$11,000 for each of the violations noted.

3. Under the facts and circumstances of this case, a civil penalty of \$11,000 is appropriate.

WHEREFORE, the Agency, by counsel, respectfully requests that the Administrative Law Judge enter an order that United be assessed a civil penalty in the amount of \$11,000.

Respectfully submitted this 22<sup>nd</sup> day of August 2002.



SCOTT R. MORRIS  
Attorney, ANM-7H

### ANSWER

In accordance with Section 13.209 of the Federal Aviation Regulations, United Airlines, must answer this Complaint not later than 30 days from the time it is served on it. Failure to file an Answer within 30 days without good cause shall be deemed an admission of the truth of each allegation contained in the Complaint [14.C.F.R. 13.209(f)].

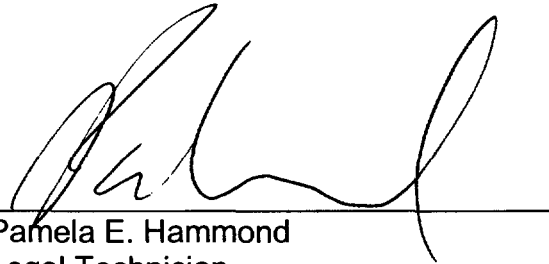
**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Complaint has been mailed this date by facsimile and certified mail, return receipt requested, to:

Hearing Docket  
Federal Aviation Administration  
800 Independence Ave. SW, Room 924A  
Washington, DC 20591  
Fax: (202) 267-5690

Vania Montero Wit, Esq.  
Senior Counsel  
United Airlines, Inc.  
P.O. Box 66100  
Chicago, IL 60666  
Fax: (847) 700-4683

Dated this 23<sup>rd</sup> day of August 2002.

A handwritten signature in black ink, appearing to read 'P. Hammond', is written over a horizontal line.

Pamela E. Hammond  
Legal Technician  
Office of Regional Counsel (ANM-7)  
Federal Aviation Administration  
1601 Lind Ave. SW  
Renton, WA 98055-4099  
(425) 227-1847